

Remarks

After entry of this Amendment, claims 12-21, 34-37, and 40-54 will be pending. Applicants request reconsideration in view of the amendments and the following remarks.

Information Disclosure Statement

In the Office action dated July 6, 2007, the examiner did not review several references listed on Applicants' Information Disclosure Statement filed on July 28, 2006. It appears that the three references that were crossed out by the examiner on page two of the IDS were scanned by the PTO together with the reference "Internet website, SKC Inc., "WallChek Microbial Sampler," www.skcinco.info/instructions/1525.pdf (2 pages)" as a single document. PAIR indicates that this reference contains seven pages, rather than two pages. This reference, together with the crossed-out references, total seven pages. Thus, Applicants believe that the PTO's file history contains copies of the crossed-out references and therefore these references should be considered.

The examiner apparently also did not consider the reference "Internet website, AEA Technology, "Cyclone - Design of reverse cyclones," <http://www.aeat.co.uk/pes/basys/environments/software/cyclone.htm> (1 page) and "Cyclone Design Course," <http://www.aeat.co.uk/pes/consult/training/cyclone.htm> (2 pages)," although this reference was not crossed-out by the examiner. This reference is the third document listed on page 3 of Applicants' IDS. PAIR includes NPL documents having two pages, three pages, and twelve pages corresponding to the second, third, and fourth documents on page three of Applicants' IDS. Thus, it appears that the AEA website reference was indeed scanned by the PTO and is included in the PTO's file history. Applicants therefore request consideration of this reference.

To facilitate the examiner's review, Applicants have submitted with this Amendment a new IDS listing the four references discussed above along with copies thereof.

35 U.S.C. § 112 Rejection

Claims 12-21 and 34-37 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants traverse this rejection and requests that it be withdrawn.

Regarding claims 12 and 34, the action requests Applicants to clarify the meaning of the word “air” and the word “conduit.” By this Amendment, the definition for the term “air” on page 5, lines 23-24 of the application has been canceled to address the examiner’s concern. The term “air” as used in the claims should be given its usual and customary meaning (i.e., the mixture of gases typically present in the atmosphere). In use, Applicants’ device draws surrounding air into the collection vessel. Of course, other gases not typically present in air may also be drawn into the device along with the surrounding air, depending on the environment in which the device is used.

A “conduit” can be a fluid passageway or channel in a body or an elongated, hollow pipe or tubular member that can transport a fluid. (See, e.g., the definition for “conduit” from Merriam-Webster Online (attached as Exhibit A)). Thus, the term “conduit” in the claims is intended to cover: (i) a fluid passageway formed in a body (such as further defined in dependent claim 17) and (ii) an elongated pipe or tubular member. Independent claims 12 and 34 are intended to cover both possibilities.

The examiner contends that claim 15 is indefinite because two “air-outlet conduits” are recited in the claim. Independent claim 12 recites only one “air-outlet conduit.” Claim 15, which depends from claim 12, refers to “the air-outlet conduit.” Applicants believe the limitation “the air-outlet conduit” has proper antecedent basis, and therefore the claim is not indefinite.

The examiner also contends that the term “airborne” in claim 34 is indefinite. Applicants believe this term is definite in view of the amendment made to the specification to clarify the meaning of the word “air.”

The examiner contends that certain limitations in claims 1, 22, 30, 38, and 39 render these claims indefinite. Claims 1, 22, 30, 38, and 39 were previously canceled in response to the restriction requirement. Thus, the rejection of these claims is moot.

In view of the foregoing, Applicants request that the 35 U.S.C. § 112 rejection be withdrawn.

New Claims

New claims 40-54 are added to the application. Dependent claims 40-43 depend from independent claim 34 and recite more specific features of the method. New claims 44-54 are

directed to an apparatus for cyclonically separating particles within a microcentrifuge tube, consistent with the election of the Group III claims.

Conclusion

The present application is in condition for allowance and such action is respectfully requested. If any further issues remain concerning this application, the Examiner is invited to call the undersigned to discuss such matters.

Respectfully submitted,

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va=conduit

One entry found.

conduit

Main Entry: **con·duit** ♦

Pronunciation: \ˈkän-dü-ət, -dyü- also -dwət, -dət\

Function: *noun*

Etymology: Middle English, from Anglo-French *cunduit* pipe, passage, conduct, in part from *cunduit*, past participle of *cunduire* to lead, from Latin *conducere*, in part from Medieval Latin *conductus* — more at [CONDUCT](#)

Date: 14th century

- 1 : a natural or artificial channel through which something (as a fluid) is conveyed
- 2 *archaic* : [FOUNTAIN](#)
- 3 : a pipe, tube, or tile for protecting electric wires or cables
- 4 : a means of transmitting or distributing <a *conduit* for illicit payments> <a *conduit* of information>

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EXHIBIT A